

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In Re: : Bankruptcy No. 19-20417-CMB
Joseph P. Pelesky, Sr. and Carolynn Pelesky : Chapter 13
Debtors :
U.S. Bank National Association, as indenture : Doc #
trustee, for the holders of the CIM Trust 2017- :
1, Mortgage-Backed Notes, Series 2017-1 c/o : Related to Doc #2
Select Portfolio Servicing, Inc. :
Movant :
vs. :
Joseph P. Pelesky, Sr. and Carolynn Pelesky : Hearing date/time: 8/29/2019 @ 9 am
Debtors/Respondents :
and :
Ronda J. Winnecour, Esquire :
Trustee/Respondent :
:

OBJECTION TO CONFIRMATION OF THE PLAN DATED 01/31/2019

U.S. Bank National Association, as indenture trustee, for the holders of the CIM Trust 2017-1, Mortgage-Backed Notes, Series 2017-1 c/o Select Portfolio Servicing, Inc. (“Movant”), by its attorneys, Hladik, Onorato & Federman, LLP, objects to confirmation of the Chapter 13 Plan of Debtors, Joseph P. Pelesky, Sr. and Carolynn Pelesky (“Debtors”), as follows:

1. As of the bankruptcy filing date of January 31, 2019, Movant holds a secured Claim against the Debtors’ property located at 2941 Glenmore Avenue, Pittsburgh, PA 15216.
2. Movant is in the process of filing a Proof of Claim by the 04/11/2019 bar date, with estimated pre-petition arrears in the amount of \$31,897.89.
3. The Plan currently proposes payment to Movant in the amount of \$21,000.00 for pre-petition arrears.
4. The Plan fails to cure the delinquency pursuant to 11 U.S.C. § 1322(b)(5).
5. The Plan violates of 11 USC § 1325(a)(5)(B)(ii) by not providing for Movant to receive the full value of its claim.

6. Movant objects to the feasibility of the Plan under 11 U.S.C. § 1325(a)(6). The Plan proposed by Debtors is not feasible. Movant requests that the bankruptcy case either be converted to a Chapter 7 or be dismissed pursuant to 11 U.S.C. § 1307.

WHEREFORE, Movant respectfully requests that this Honorable Court deny confirmation of the Debtors' Chapter 13 Plan.

Respectfully submitted,

Dated: 03/25/2019

/s/Danielle Boyle-Ebersole, Esquire
Danielle Boyle-Ebersole, Esquire
Hladik, Onorato & Federman, LLP
298 Wissahickon Avenue
North Wales, PA 19454
Phone 215-855-9521/Fax 215-855-9121
debersole@hoflawgroup.com

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Joseph P. Pelesky, Sr. and Carolynn Pelesky	:	Chapter 13
Debtors	:	
U.S. Bank National Association, as indenture	:	Doc #
trustee, for the holders of the CIM Trust 2017-	:	
1, Mortgage-Backed Notes, Series 2017-1 c/o	:	Related to Doc #12
Select Portfolio Servicing, Inc.	:	
Movant	:	
vs.	:	
Joseph P. Pelesky, Sr. and Carolynn Pelesky	:	Hearing date/time: 8/29/19 @ 9 am
Debtors/Respondents	:	
and	:	
Ronda J. Winneccour, Esquire	:	
Trustee/Respondent	:	

ORDER

Upon consideration of U.S. Bank National Association, as indenture trustee, for the holders of the CIM Trust 2017-1, Mortgage-Backed Notes, Series 2017-1 c/o Select Portfolio Servicing, Inc.'s Objection to Confirmation of the proposed Plan, and having heard the argument of counsel and for good cause having been shown;

It is on this _____ day of _____, 2019 ORDERED that the Confirmation is DENIED.

BY THE COURT:

Honorable Carlota M. Bohm
United States Bankruptcy Judge